

## REMARKS

Claims 20-39, and 41-46 are pending. Claim 40 has been cancelled.

The Examiner has rejected claims 35 and 37 under 35 U.S.C. § 112, ¶ 1, and claims 20-39, and 41-45 under 35 U.S.C. § 103(a) over U.S. patent number 6,202,060 (hereinafter: *Tran*) in combination with U.S. patent number 5,835,861 (herinafter: *Whiteside*) in view of U.S. patent number 5,903,548 (hereinafter: *Delameter*). Claim 46 stands rejected under 35 U.S.C. § 103(a) over *Tran*, *Whiteside*, and *Delameter* in view of U.S. patent number 6,021,432 (hereinafter: *Sizer*).

### *Amendments to the Claims*

Claims 20-25, 29, and 36 are amended herein. These amendments do not add new matter.

Independent claim 20 is amended herein. Dependent claims 25-28, 30, 34, 36, and 41 are amended herein to comport with amended claim 20. Dependent claims 21-28, 30-34, 36, 38-39, and 41-46 depend from claim 20. No new matter is added through these amendments.

### *Rejections Under 35 U.S.C. § 112, ¶ 1*

The Examiner contends that “claims 35 and 37 ... fail to comply with the written description requirement.” *Office Action*, p. 3. The Applicant respectfully traverses, citing previously made arguments regarding (*inter alia*) the (lack of) *in haec verba* requirements for claim support (e.g., see *Response C*, mailed June 12, 2008)

**35 U.S.C. § 103(a) Rejections per Tran, Whiteside, and Delameter**

Claims 20-39, and 41-45 were rejected under 35 U.S.C. § 103(a) over *Tran, Whiteside, and Delameter*. Claim 46 was rejected under 35 U.S.C. § 103(a) over *Tran, Whiteside, and Delameter* in view of *Sizer*.

The Applicant respectfully traverses, citing previously presented arguments that *Whiteside* does not teach (*inter alia*) “scanning and detecting” (e.g., see *Response C*, mailed June 12, 2008).

Additionally, the Applicant respectfully requests clarification of the following rejections, particularly:

- i)** with respect to claim 22, the Examiner’s rejection failed to identify where *Tran* discloses “streamed” content (*Office Action*, p. 7).
- ii)** with respect to claim 23, the Examiner’s rejection failed to identify where *Tran* discloses “pulsed” content (*Office Action*, p. 7).
- iii)** with respect to claim 29, the Examiner’s rejection failed to address the “handheld media device” limitation (*Office Action*, p. 8).
- iv)** with respect to claim 33, the Examiner’s rejection failed to specify from which reference the purportedly relevant citation was obtained (*Office Action*, p. 9).
- v)** with respect to claim 34, the Examiner’s rejection failed to specify from which reference the purportedly relevant citation was obtained (*Office Action*, p. 9).
- vi)** with respect to claim 35, the Examiner’s rejection failed to specify from which reference the purportedly relevant citation was obtained (*Office Action*, p. 9).

- vii) with respect to claim 36, the Examiner's rejection failed to specify from which reference the purportedly relevant citation was obtained (*Office Action*, p. 10).
- viii) with respect to claim 37, the Examiner's rejection failed to specify from which reference the purportedly relevant citation was obtained (*Office Action*, p. 10).
- ix) with respect to claim 38, the Examiner's rejection failed to specify from which reference the purportedly relevant citation was obtained (*Office Action* p. 10).
- x) with respect to claim 39 the Examiner's rejection failed to specify from which reference the purportedly relevant citation was obtained (*Office Action*, p. 10).
- xi) with respect to claim 41, the Examiner's rejection failed to provide a reference in support of the allegation "it was notoriously well known in the art..." (*Office Action*, p. 11).

## CONCLUSION

The Applicant submits that all pending claims are allowable. If the Examiner has any questions concerning this amendment or the application in general, the Examiner is invited to contact undersigned representative concerning the same.

Respectfully submitted,  
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